

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that on September 22, 2004, undersigned counsel for the Defendants telephoned Plaintiff's counsel, and provided Plaintiff's counsel, via facsimile to 617-227-3908, with a draft of this Motion, in a good faith effort to resolve and narrow the issues presented by said motion, but that counsel were unable to confer or to resolve the issues prior to filing of the motion.

9/22/04

Date

/s/ James M. Chernetsky

James M. Chernetsky

